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WELSH & KATZ, LTD.

**WELSH & KATZ, LTD.**

*Attorneys at Law*

120 SOUTH RIVERSIDE PLAZA, 22<sup>ND</sup> FLOOR

CHICAGO, ILLINOIS 60606

TELEPHONE (312) 655-1500

FACSIMILE (312) 655-1501

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January 31, 2003

TO	FROM
Examiner Alexander H. Spiegler US Patent and Trademark Office Art Unit 1637	Shannon L. Nebolsky
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	15
PHONE NUMBER	OUR REF.
(703) 305-0806	2120/80541
FAX NUMBER	YOUR REF.
(703) 746-5001	USSN 09/673,779

**COMMENTS:**

EXAMINER SPIEGLER,

**PLEASE**

**E-MAIL (SLNebolsky@WelshKatz.com),**

**FAX (312-655-1501)**

**OR**

**TELEPHONE (312-526-1507)**

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**PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jansen et al. )  
Serial No.: 09/673,779 ) Attorney Docket:  
Filed: January 2, 2001 ) 2120/80541  
For: METHOD FOR THE RAPID )  
DETERMINATION OF BACTERIA ) Art Group: 1637  
Examiner: Spiegler, Alexander H. ) Confirmation No.:  
4107

COMMUNICATION

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Examiner Spiegler telephoned January 30, 2003, and requested that we submit a marked-up copy of the claims. In preparing this marked-up copy, discrepancies were noted in claims 7, 17 and 23, so both clean and marked-up copies of the claims are included in this communication, showing the amendments as they should have appeared in the Amendment filed March 21, 2002.

By way of explanation, it is respectfully noted that several amendments to the claims have been made in this case. A Preliminary Amendment was filed October 19, 2000 with the original application papers, amending claims 4, 9, 20, 22 and 23. On March 28, 2001, a Second Preliminary Amendment was filed amending claims 7, 15, 19, 21 and 25. An Amendment was filed on March 21, 2002, amending claims 1, 3, 4, 5, 7, 9, 11, 13, 15, 17, 19, 20, 22 and 23, and canceling claims 24-26. In this March 21, 2002 amendment, an incorrect version

provide a correct version of the claim if the March 21, 2002 amendment had been correct. In the

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Communication January 31, 2002

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July 15, 2002 and November 21, 2002 communications, only a clean copy of the claims were submitted, and there were still inconsistencies. The enclosed clean and marked-up copies provide a correct version of the March 21, 2002 amendment, starting with the version of the claims after proper entry of the March 28, 2001 Second Preliminary Amendment. Please use the Clean Copy of the claims submitted herewith as the final version of the claims for consideration of final allowance.

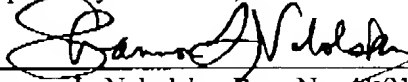
#### SUMMARY

The present Communication with Clean and Marked-up versions of the Claims clarify and correct the reply and Amendment that was filed on March 21, 2002, a bona fide attempt to reply in the full to the Office Action of December 28, 2001, which was made in good faith and without deceptive intent.

No fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The application is believed to be in condition for allowance. An early notice to that effect is earnestly solicited. The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

  
Shannon L. Nebolsky, Reg. No. 41,217

WELSH & KATZ, LTD.  
120 S. Riverside Plaza, 22nd Floor  
Chicago, Illinois 60606

U.S. PTO Customer No. 24628  
phone: (312) 655-1500  
facsimile: (312) 655-1501

#### CERTIFICATE OF TRANSMISSION

I hereby certify that this Communication including Clean and Marked-Up

